

Report of Standing Committee

Senator Aikin by unanimous consent submitted the following report:

Austin, Texas,
May 25, 1961.

Hon. Ben Ramsey, President of the Senate.

Sir: We, your Committee on Counties, Cities and Towns, to whom was referred H. C. R. No. 77, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass and be printed.

AIKIN, Chairman.

Welcome Resolutions

S. R. No. 527—By Senator Aikin: Extending welcome to students and sponsors of North Hopkins High School.

S. R. No. 528—By Senator Parkhouse: Extending welcome to Mrs. Charles Pitts et al. of Dallas.

S. R. No. 529—By Senator Secrest: Extending welcome to students and teachers of Burlington School of Milam County.

S. R. No. 530—By Senator Owen: Extending welcome to Mr. and Mrs. Bob Kessel of El Paso.

S. R. No. 532—By Senator Herring: Extending welcome to students and teachers of Saint Mary's School of Taylor.

S. R. No. 533—By Senator Herring: Extending welcome to students and teacher of Saint Paul's Lutheran Church of Austin.

Memorial Resolution

S. R. No. 531—By Senator Moore: Memorial resolution for Frank Monroe Torbett.

Adjournment

On motion of Senator Aikin, the Senate at 5:15 o'clock p.m. adjourned until 10:30 o'clock a.m. tomorrow.

SEVENTY-THIRD DAY

(Friday, May 26, 1961)

The Senate met at 10:30 o'clock a.m., pursuant to adjournment, and was called to order by the President.

The roll was called and the following Senators were present:

Aikin	Martin
Baker	Moffett
Calhoun	Moore
Colson	Owen
Creighton	Parkhouse
Crump	Patman
Dies	Ratliff
Fuller	Reagan
Gonzalez	Roberts
Hardeman	Rogers
Hazlewood	Schwartz
Herring	Secrest
Hudson	Smith
Kazen	Weinert
Krueger	Willis
Lane	

A quorum was announced present.

Reverend W. H. Townsend, Chaplain, offered the invocation as follows:

"O God, our Father, we would begin and end this day with Thee. Let the words of our mouths, and the meditations of our hearts, be acceptable in Thy sight, O Lord, our strength, and our Redeemer. And when evening comes, may we hear 'Well done' good and faithful servants. In Christ's name. Amen."

On motion of Senator Aikin, and by unanimous consent, the reading of the Journal of the proceedings of yesterday was dispensed with and the Journal was approved.

Bills Signed

The President signed in the presence of the Senate after the captions had been read the following enrolled bills:

S. B. No. 453, A bill to be entitled "An Act amending Subsection (a) of Section 15 of Chapter 178, Acts of the 49th Legislature, Regular Session, 1945, compiled as Subsection (a) of Section 15 of Article 4477-1, Vernon's Annotated Civil Statutes, so as to grant authority to the State Department of Health to approve additional methods if disinfectants to be maintained in public swimming pools; and declaring an emergency."

S. B. No. 81, A bill to be entitled "An Act amending Chapter 404, Acts of the 45th Legislature, Regular Session, 1937 (codified as Article 3271a, Vernon's Texas Civil Statutes), by adding a new section to be numbered 12a to provide for the certification of certain persons as an Engineer-in-Training; and declaring an emergency."

S. B. No. 80, A bill to be entitled "An Act authorizing incentive aid payments to certain independent school districts; specifying the conditions for such incentive payments, and making other provisions relating thereto; containing a severability clause; and declaring an emergency."

S. B. No. 234, A bill to be entitled "An Act amending Subsection 4 of Section 4 of Chapter 470, Acts of the 45th Legislature, Regular Session, 1937, as amended, to provide for the inclusion of military duty in World War I in calculating retirement benefits; and declaring an emergency."

S. B. No. 225, A bill to be entitled "An Act relating to the Exemption of property owned by a church and used as the dwelling place for the ministry; amending Section 1 of Chapter 44, Acts 42nd Leg., Reg. Ses., 1931 (which is compiled as Vernon's Texas Civil Statutes, Article 7150b), and declaring an emergency."

S. B. No. 350, A bill to be entitled "An Act relating to filing fees for candidates for all State-wide elections, amending Article 32a and Subarticle (b) of Article 193 of the Election Code of Texas, 1951, as amended, and declaring an emergency."

S. B. No. 278, A bill to be entitled "An Act amending Chapter I of H. B. 11, Article 20.01, Subsection h, Acts 1959, Fifty-sixth Texas Legislature, 3rd Called Session, defining 'component part'; repealing all laws or parts of laws in conflict therewith; and declaring an emergency."

S. B. No. 186, A bill to be entitled "An Act amending Article 7332 of the Revised Civil Statutes of Texas, 1925, as amended, relating to attorney's fees in suits for delinquent taxes; and declaring an emergency."

S. B. No. 465, A bill to be entitled "An Act repealing Chapter 192, Acts of the 55th Legislature, 1957, which provides for the appointment of an assistant district attorney for the district attorneys of the 42nd and 104th Judicial Districts; and declaring an emergency."

S. B. No. 464, A bill to be entitled "An Act amending Ch. 188, Sections 1, 2 and 3, Acts, 1945, 49th Leg., R. S., P. 254 (cod. as Art. 2763a, V.A. C.S.), authorizing any Independent School District, heretofore created by

special law to select and designate its own school depository or depositories, assessor and collector of taxes, and to have the management of its school affairs subject to certain supervision and appellate jurisdiction; providing that this Act shall not affect, supersede, or change any of the provisions of Article 2763, R.C.S. of Texas, 1925, as amended; and declaring an emergency."

S. B. No. 352, A bill to be entitled "An Act amending Section 5 of Chapter 68, page 94, Acts of the 48th Legislature, Regular Session, 1943, as amended, and codified as Article 5172 of Vernon's Civil Statutes, providing for the limiting of hours of labor and prescribing of wages for overtime labor for certain female employees including employees of banking institutions; repealing all laws in conflict; and declaring an emergency."

S. B. No. 115, A bill to be entitled "An Act to amend Section 92 of House Bill No. 6, Acts of the 55th Legislature, Regular Session, so as to provide that all application fees and license fees collected under this Act shall be set aside and used exclusively by the State Health Department; providing the specific purposes for which the application fees and license fees shall be expended by the State Health Department; making an appropriation of these funds for the purposes enumerated in this Act; and declaring an emergency."

S. B. No. 447, A bill to be entitled "An Act to amend Section 13 of Senate Bill No. 264, Acts 57th Legislature, Regular Session, 1961, relating to the filing and docketing of cases in the County Criminal Court of Tarrant County and County Criminal Court No. 1 of Tarrant County; the transferring of cases; etc.; and declaring an emergency."

S. B. No. 309, A bill to be entitled "An Act making it unlawful to obtain telecommunications service with the intent to defraud any individual, corporation or other person of the lawful charges, in whole or in part, therefor, through the use of false or unauthorized or fictitious telephone numbers or credit card numbers or a code or prearranged scheme or by installing or tampering with facilities or equipment or by any other trick, false representation, device or means; stat-

ing a rule of presumption of fraudulent intent with respect to such offense; providing venue; prescribing penalties for violations; providing venue; providing for severability; and declaring an emergency."

S. B. No. 303, A bill to be entitled "An Act creating a conservation and reclamation district under Article XVI, Section 59 of the Constitution of Texas, to be known as the 'Palo Pinto County Municipal Water District No. 1,' for the purpose of providing or acquiring a source or sources of water supply for municipal, domestic, industrial, and mining uses and processing, etc.; and declaring an emergency."

S. B. No. 107, A bill to be entitled "An Act relating to liens for persons, firms, lumber dealers or corporations, artisans, laborers, mechanics, subcontractors who labor, especially fabricate material or furnish labor or material for certain construction or repair works; creating liens to secure payment, defining the meaning of certain words and terms used in this Act; prescribing the manner of fixing and securing liens; establishing a lien for certain specially fabricated materials contracted for; etc.; and declaring an emergency."

S. B. No. 267, A bill to be entitled "An Act to provide that the taking and carrying away of merchantable timber of a value of less than One Hundred Dollars (\$100) shall be subject to a fine and/or jail sentence; amending Article 1379 of the Penal Code of Texas, 1925, as amended; and declaring an emergency."

S. B. No. 268, A bill to be entitled "An Act creating Upper Leon River Municipal Water District, a conservation District under Article XVI, Section 59 of the Constitution, comprising initially the territory contained within the cities of Comanche, DeLeon, Dublin, Gorman, Hamilton, Hico, and Stephenville, for the purpose of providing a source of water supply for municipal, domestic, and industrial uses and processing and transporting such water; authorizing provision of sewage treatment and disposal facilities as an aid to conservation of water; etc.; and declaring an emergency."

S. B. No. 437, A bill to be entitled "An Act amending Chapter 320, Acts of the 56th Legislature, Regular Ses-

sion, 1959 (Article 2745c, Vernon's Texas Civil Statutes), to add a provision authorizing the use of voting machines for absentee voting for school trustees in counties where voting machines have been adopted; repealing conflicting laws to the extent of conflict; and declaring an emergency."

S. B. No. 275, A bill to be entitled "An Act authorizing the county board of school trustees of any county over 100,000 population according to the most recent Federal census to create a separate independent school district to contain the same territory then contained in any city assumed or controlled school district in the county where such district extends beyond the city limits; providing that when an independent school district is so created the city assumed or controlled district shall cease to exist; etc.; and declaring an emergency."

S. B. No. 432, A bill to be entitled "An Act amending Article 342-104 of the Texas Banking Code of 1943, same being Acts of the Forty-eighth Legislature, Chapter 97, by changing the qualifications of certain members of the Finance Commission; and declaring an emergency."

S. B. No. 198, A bill to be entitled "An Act providing that the remaining balance of the sum of money heretofore appropriated to the Department of Corrections in Item 98 of the appropriations to the Department of Corrections in House Bill No. 4, Acts of the 56th Legislature, Third Called Session, 1959, Chapter 23, may be expended by the Department of Corrections for the purposes stated in Items 92 and 95 of the appropriation to the Department of Corrections in House Bill No. 4, Acts of the 56th Legislature, Third Called Session, 1959, Chapter 23 in addition to the purposes stated in Item 98 of the appropriation to the Department of Corrections in House Bill No. 4, Acts of the 56th Legislature, Third Called Session, Chapter 23, providing that no new money shall be appropriated by the provisions of this Act, providing that money already appropriated to the Department of Corrections for the biennium ending August 31, 1961, can be used to continue the operations of the Department of Corrections; and declaring an emergency."

S. B. No. 376, A bill to be entitled "An Act amending Section 5 and Sub-

section (2) of Paragraph A of Section 6 of Chapter 382, Acts of the 56th Legislature, Regular Session, 1959, which are codified as Section 5 and Subsection (2) of Paragraph A of Section 6 of Article 6066d, Vernon's Texas Civil Statutes, by removing certain appliance salesmen from licensing provisions as well as persons engaged in installing and repairing certain appliances; and declaring an emergency."

S. B. No. 164, A bill to be entitled "An Act amending Senate Bill 32, Acts of the 55th Legislature, State of Texas, Regular Session, 1957; providing for standards in the quality of eggs; providing for the licensing of egg retailers, dealer-wholesalers, processors and brokers; providing for the deposit and appropriation of fees collected; making provisions relating to the administration of the Act; providing for severability; and declaring an emergency."

S. B. No. 428, A bill to be entitled "An Act amending Section 1 of Chapter 351, Acts 1953, Fifty-third Legislature, as amended by Chapter 435, Acts 1957, Fifty-fifth Legislature (which is codified in Vernon's Texas Civil Statutes as Article 2645c) so as to require the Governing Boards of the several state institutions of collegiate rank to follow rules, regulations, and interpretations of the Commission on Higher Education respecting non-resident student tuition or registration fees required by law; providing that copies of such rules, regulations, and interpretations issued by said Commission shall be furnished to public junior colleges; authorizing the reclassification of a 'non-resident' student 21 years of age or over as a 'resident student' upon conclusive evidence that he is in fact a legal resident of Texas; and containing an emergency clause."

S. B. No. 461, A bill to be entitled "An Act relating to recordation of subdivision plats in certain counties; amending Section 1 of Chapter 436, Acts of the 55th Legislature, Regular Session, 1957; and declaring an emergency."

S. B. No. 444, A bill to be entitled "An Act amending Section 1 of Chapter 37, Acts of the Forty-First Legislature, Second Called Session, 1929 (codified as Article 7537a, Vernon's

Annotated Civil Statutes of Texas), to authorize the Board of Water Engineers of the State of Texas, to make studies and investigations of and reports on water-bearing formations and the sources, amount and quality of the underground water supply in Texas and on feasible methods to conserve, preserve, improve the quality of and supplement said supply; providing for exploration and investigation by coring or other mechanical or electrical means or by contracting therefor; providing severability; and declaring an emergency."

S. B. No. 424, A bill to be entitled "An Act amending Section 21 of Chapter 25, Acts of the 39th Legislature, Regular Session 1925, as amended by Section 5 of Chapter 280, Acts of the 41st Legislature, Regular Session, 1929 (codified as Article 7880-21, Vernon's Annotated Civil Statutes of Texas), by providing that all petitions for organization of a district must be accompanied by a deposit of Two Hundred and Fifty (\$250.00) Dollars for use of the State; that no part of such deposit shall be returned unless petitioners withdraw said petition prior to the hearing thereon; and declaring an emergency."

Senate Concurrent Resolution 75

Senator Baker offered the following resolution:

S. C. R. No. 75, Suspending Joint Rules to permit House to consider S. B. No. 116 at any time.

Be it resolved by the Senate of the State of Texas, the House of Representatives concurring, That the Joint Rules of both Houses be suspended so as to allow either House to take up Senate Bill 116 at any time.

The resolution was read.

On motion of Senator Baker and by unanimous consent the resolution was considered immediately and was adopted.

Senate Concurrent Resolution 76

Senator Schwartz offered the following resolution:

S. C. R. No. 76, Recalling S. C. R. No. 60 from Governor's office and authorizing Enrolling Clerk to make certain corrections therein.

Whereas, Senate Concurrent Resolution No. 60 has passed the Senate

and House of Representatives and is now in the Governor's office; and

Whereas, Senate Concurrent Resolution No. 60 needs to be returned to the Senate for correction; now, therefore, be it

Resolved, by the Senate of Texas, the House of Representatives concurring, That the Governor be and he is hereby requested to return Senate Concurrent Resolution No. 60 to the Senate; and be it further

Resolved, That the Enrolling Clerk of the Senate be and is hereby directed to insert the words "alleges that it" immediately following the words "Texas Gulf Construction Company, Inc." and preceding the words "has sustained" in line 13, page 1 of Senate Concurrent Resolution No. 60.

The resolution was read.

On motion of Senator Schwartz and by unanimous consent the resolution was considered immediately and was adopted.

Senate Bill 327 with House Amendments

Senator Parkhouse called S. B. No. 327 from the President's table for consideration of the House amendments to the bill.

The President laid the bill and House amendments before the Senate, and the House amendments were read.

Senator Parkhouse moved that the Senate concur in the House amendments.

The motion prevailed by the following vote:

Yeas—26

Calhoun	Moffett
Colson	Moore
Creighton	Owen
Crump	Parkhouse
Dies	Patman
Fuller	Ratliff
Hardeman	Reagan
Herring	Schwartz
Hudson	Secrest
Kazen	Smith
Krueger	Weinert
Lane	Willis
Martin	

Nays—2

Aikin	Rogers
Roberts	

Present—Not Voting

Gonzalez

Absent

Baker

Hazlewood

Senate Bill 279 with House Amendments

Senator Reagan called S. B. No. 279 from the President's table for consideration of the House amendments to the bill.

The President laid the bill and House amendments before the Senate, and the House amendments were read.

Senator Reagan moved that the Senate concur in the House amendments.

The motion prevailed.

Senate Bill 249 with House Amendments

Senator Willis called S. B. No. 249 from the President's table for consideration of the House amendments to the bill.

The President laid the bill and House amendments before the Senate, and the House amendments were read.

Senator Willis moved that the Senate concur in the House amendments.

Senator Dies moved as a substitute motion that the Senate do not concur in the House amendments, but that a conference committee be appointed to adjust the differences between the two Houses on the bill.

Question first on the motion to not concur in the House amendments to S. B. No. 249, the motion prevailed.

Accordingly, the President announced the appointment of the following conferees on the part of the Senate on the bill: Senators Willis, Dies, Moore, Lane and Hardeman.

Message from the House

Hall of the House of Representatives
Austin, Texas,
May 25, 1961.

Hon. Ben Ramsey, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following:

H. B. No. 1026, A bill to be entitled "An Act providing for the punishment of a corporation found guilty of a crime by fine in lieu of punishment by imprisonment."

H. B. No. 759, A bill to be entitled "An Act to provide that no State agency or any political subdivision of the State shall deny employment to elderly job applicants solely because of their age, provided the applicant's attained age does not exceed sixty-five (65) years; providing a penalty; and declaring an emergency."

H. B. No. 889, A bill to be entitled "An Act to amend Article 424 of the Code of Criminal Procedure of Texas of 1925 so as to permit a forfeiture of the recognizance, bail bond, or current money of the United States in lieu thereof, of a defendant who fails to appear on the day set for a pre-trial hearing on pleadings and motions or any subsequent date set for a hearing on pleadings and motions; and declaring an emergency."

H. B. No. 899, A bill to be entitled "An Act amending Section 1 of Chapter 298, Acts of the 50th Legislature, Regular Session, 1947, codified as Article 307B, Vernon's Texas Civil Statutes, to provide for the inclusion of all law schools situated within this state which are on the approved list of the Supreme Court of Texas; and declaring an emergency."

H. B. No. 1099, A bill to be entitled "An Act authorizing political subdivisions to provide for Workmen's Compensation insurance for employees; defining words and phrases; providing jurisdiction, powers, duties and administration; and declaring an emergency."

H. B. No. 1117, A bill to be entitled "An Act fixing the date for any reclassification under any law requiring classification based on the Federal Decennial Population Census; establishing a moratorium for reclassification of certain laws according to the 1960 Federal Census; providing the mode for suspension of the moratorium; providing compilation of certain statutes effected by each decennial census by the Legislative Council; and declaring an emergency."

H. B. No. 708, A bill to be entitled "An Act relating to fees charged by

the Texas Game and Fish Commission; and declaring an emergency."

The House has adopted the Conference Committee Report on S. B. No. 217 by non-record vote.

House has appointed the following conferees on H. B. No. 1049: McGregor, M., Chairman, Blaine, Isaacks, Lewis, Rosas.

H. J. R. No. 30, Proposing an Amendment to Section 9 of Article 3 of the Constitution of the State of Texas to provide special assembly of Members and Members-elect of the House of Representatives for the purposes of taking the oath of office and the election of the Speaker.

H. C. R. No. 108, Requesting the Texas Legislative Council to study telephone rates in the State of Texas.

H. C. R. No. 71, Requesting the Texas Legislative Council to conduct a study of the many extra, nonconstitutionally required duties of the Attorney General and the feasibility of relieving the Attorney General's office of such duties.

H. C. R. No. 63, Granting permission of Mattie Grace Pipkin to sue the State of Texas or the State Highway Department of the State of Texas.

H. C. R. No. 44, Granting permission to Industrial Gas Supply Corporation to sue the State of Texas.

H. C. R. No. 22, Granting permission to Lavon Lakey to sue the State of Texas and the Texas Department of Public Safety.

The House has concurred in Senate amendments to House Bill No. 524 by non-record vote.

S. B. No. 321, A bill to be entitled "An Act making appropriations to pay any miscellaneous claims out of the General Revenue Fund or such other funds as may be designated herein for each item not otherwise appropriated; providing that before payment of any claim shall be paid from the funds hereby appropriated, the same shall have the approval of the State Auditor, the State Comptroller and the Attorney General; providing further that any claim involving the refund of a franchise tax arising prior to October 15, 1959, shall

also carry the approval of the Secretary of State in addition to the other officials herein named; and declaring an emergency."

(With amendments.)

H. C. R. No. 100, Granting H. N. Crow, et ux. Willie May Crow, permission to sue the State of Texas and the State Highway Department.

The House has concurred in Senate amendments to House Bill No. 433 by non-record vote.

House has appointed the following conference committee on H. B. No. 1103: James, Chairman, Hughes, Bob; Johnson of Dallas, Lewis, Ratcliff.

S. B. No. 10, A bill to be entitled "An Act amending H. B. No. 11, Acts 1959, 56th Leg., 3rd C. S., p. 187, ch. 1, codified in the General and Special Laws of Texas, 56th Legislature, and in Vernon's Civil Statutes of Texas, as Chapter 9, (under Ch. 1) Title 122 A, relating to Taxation—General—Motor Fuel Tax, by adding a section (under Chapter 9 of Ch. 1) denominated as Section (6a) of Article 9.13 and amending Sections (13) and (14) of Article 9.25 (such articles and sections, having been utilized in such codifications, being here used for convenience) pertaining to claimed and unclaimed refunds on motor fuel revenues used for aircraft purposes, making allocation thereof, and making other provisions relating thereto; providing for severability, for repeal of conflicting law, and declaring an emergency."

S. J. R. No. 6, Proposing an Amendment to Article VII of the Constitution of Texas by adding a Section to be known as Section 3-b, providing that school taxes theretofore voted in any independent school district, the major portion of which is within Dallas County, shall not be abrogated, canceled or invalidated by a change in boundaries nor shall bonds voted, but unissued, at the time of such change, be invalidated by such change; authorizing the levy of taxes after such change without further election in the district as changed; providing an exception in the case of the annexation or consolidation of whole districts; providing for an election and the issuance of a proclamation therefor.

Respectfully submitted,

DOROTHY HALLMAN,
Chief Clerk, House of Representatives

Conference Committee on House Bill 1049

Senator Owen called from the President's table for consideration at this time, the request of the House for a Conference Committee to adjust the differences between the two Houses on H. B. No. 1049 and moved that the request be granted.

The motion to grant the request prevailed.

Accordingly, the President announced the appointment of the following Conferees on the bill on the part of the Senate: Senators Owen, Ratliff, Roberts, Moore and Gonzalez.

Senate Bill 153 with House Amendments

Senator Baker called S. B. No. 153 from the President's table for consideration of the House amendments to the bill.

The President laid the bill and House amendments before the Senate, and the House amendments were read.

Senator Baker moved that the Senate concur in the House amendments.

The motion prevailed.

Senate Bill 385 with House Amendments

Senator Baker called S. B. No. 385 from the President's table for consideration of the House amendments to the bill.

The President laid the bill and House amendments before the Senate, and the House amendments were read.

Senator Baker moved that the Senate do not concur in the House amendments, but that a conference committee be appointed to adjust the differences between the two Houses on the bill.

The motion prevailed.

Accordingly, the President announced the appointment of the following conferees on the part of the Senate on the bill:

Senators Baker, Hardeman, Lane, Martin and Dies.

Senate Bill 480 on Second Reading

On motion of Senator Lane and by

unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

S. B. No. 480, A bill to be entitled "An Act creating and establishing a conservation and reclamation district under Article 16, Section 59, Constitution of Texas, known as Gregg-Upshur County Water Control and Improvement District No. 1; etc.; and declaring an emergency."

The bill was read second time and passed to engrossment.

Senate Bill 480 on Third Reading

Senator Lane moved that the Constitutional Rule and Senate Rule 32 requiring bills to be read on three several days be suspended and that S. B. No. 480 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—31

Aikin	Martin
Baker	Moffett
Calhoun	Moore
Colson	Owen
Creighton	Parkhouse
Crump	Patman
Dies	Ratliff
Fuller	Reagan
Gonzalez	Roberts
Hardeman	Rogers
Hazlewood	Schwartz
Herring	Secrest
Hudson	Smith
Kazen	Weinert
Krueger	Willis
Lane	

The President then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote:

Yeas—31

Aikin	Hazlewood
Baker	Herring
Calhoun	Hudson
Colson	Kazen
Creighton	Krueger
Crump	Lane
Dies	Martin
Fuller	Moffett
Gonzalez	Moore
Hardeman	Owen

Parkhouse
Patman
Ratliff
Reagan
Roberts
Rogers

Schwartz
Secrest
Smith
Weinert
Willis

House Bill 409 on Third Reading

Senator Smith asked unanimous consent to suspend the regular order of business and take up H. B. No. 409 for consideration at this time.

There was objection.

Senator Smith then moved to suspend the regular order of business and take up H. B. No. 409 for consideration at this time.

The motion prevailed by the following vote:

Yeas—20

Baker	Moffett
Calhoun	Moore
Creighton	Parkhouse
Crump	Patman
Fuller	Ratliff
Gonzalez	Reagan
Hazlewood	Roberts
Herring	Schwartz
Krueger	Secrest
Lane	Smith

Nays—7

Aikin	Martin
Colson	Weinert
Hardeman	Willis
Hudson	

Absent

Dies	Owen
Kazen	Rogers

The President laid before the Senate on its third reading and final passage:

H. B. No. 409, To provide for the prevention of pollution of underground water by registering water well drillers and providing for administration and enforcement; and declaring an emergency.

The bill was read the third time and was passed.

Record of Votes

Senators Martin, Hudson, Hardeman, Weinert, Dies and Aikin asked to be recorded as voting "Nay" on the final passage of H. B. No. 409.

Senate Resolution 349

On motion of Senator Hudson and by unanimous consent the President laid before the Senate on its final passage S. R. No. 349. (The resolution having been introduced and read the second time on Monday, April 24, 1961, and postponed for one week on Tuesday, April 25, 1961.)

Question—Shall S. R. No. 349 be adopted?

S. R. No. 349 was then adopted.

Senate Bill 57 with House Amendments

Senator Parkhouse called S. B. No. 57 from the President's table for consideration of the House amendments to the bill.

The President laid the bill and House amendments before the Senate, and the House amendments were read.

Senator Parkhouse moved that the Senate concur in the House amendments.

The motion prevailed by the following vote:

Yeas—30

Aikin	Martin
Baker	Moffett
Calhoun	Moore
Colson	Owen
Creighton	Parkhouse
Crump	Patman
Dies	Ratliff
Fuller	Reagan
Hardeman	Roberts
Hazlewood	Rogers
Herring	Schwartz
Hudson	Secret
Kazen	Smith
Krueger	Weinert
Lane	Willis

Absent

Gonzalez

(Senator Martin in the Chair.)

Senate Bill 366 with House Amendments

Senator Moore called S. B. No. 366 from the President's table for consideration of the House amendments to the bill.

The Presiding Officer laid the bill and House amendments before the

Senate, and the House amendments were read.

Senator Moore moved that the Senate concur in the House amendments.

The motion prevailed.

Conference Committee Report on House Bill 1049

Senator Owen submitted the following Conference Committee Report on H. B. No. 1049:

Austin, Texas,
May 26, 1961.

Honorable Ben Ramsey, President of the Senate.

Honorable James A. Turman, Speaker of the House of Representatives.

Sirs: We, your Conference Committee, appointed to adjust the differences between the Senate and the House of Representatives on H. B. No. 1049, have met and had same under consideration, and beg to report it back with the recommendation that it do pass in the form and text hereto attached.

McGREGOR
of El Paso
ISAACKS
BLAINE
ROSAS
LEWIS

On the Part of the House.

OWEN
RATLIFF
MOORE
GONZALEZ
ROBERTS

On the part of the Senate.

H. B. No. 1049,

**A BILL
To Be Entitled**

An Act providing for the conveyance and patenting of certain State-owned free public school land in El Paso County to the County of El Paso for park purposes in exchange for certain lands now owned by the County of El Paso, reserving all the oil, gas, and other minerals, enacting other provisions relating to the subject matter; and declaring an emergency.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

Section 1. The Governor of the State of Texas with the approval of the Commissioner of the General Land

Office as hereinafter provided is hereby authorized to convey the following described tracts of land in El Paso County to the County of El Paso for public park purposes only in exchange for that certain property owned by the State all as hereinafter described:

Section 270, Stephen J. Larkin Survey, Abst. No. 5142 S. F. 7264

Section 296, A. G. McMath Survey, Abst. No. 9481 S. F. 10721

North and West part of Section 40, Block 78, Tsp. 3, T&P Ry. Co. Survey, Abst. No. 5473, 98185—School File

SE/2 of Section 40, Block 78, Tsp. 3, T&P Ry. Co. Survey Abst. No. 9813, School File 138594

The patents to the County of El Paso shall be issued upon receipt of a deed to the Permanent Free Public School Fund of all the interest now owned by the County of El Paso in the following described tracts of land, to wit:

Section 42, Block 77, Township 4, Texas & Pacific Abstract 9893.

Section 44, Block 77, Township 4, Texas & Pacific Abstract 9894.

Section 6, Block 77, Township 5, Texas & Pacific Abstract 9895.

Section 2. The Commissioner of the General Land Office shall cause to be made an investigation of the property to be conveyed hereunder by the State of Texas to the County of El Paso and by the County of El Paso to the State of Texas in exchange therefore. No conveyance shall be made by the State of Texas until such time as the Commissioner of the General Land Office shall find that the property offered in exchange by the County of El Paso and the property to be conveyed by the State of Texas is of at least equal value and that the Permanent Free School Fund will benefit by the trade of said land. It is further provided that all oil, gas and other minerals shall be expressly reserved to the State of Texas and placed in the Permanent Free School Fund. The County of El Paso shall convey any property in exchange by good and sufficient warranty deed, warrant good and marketable title and warrant that there are no outstanding liens or encumbrances on the County of El Paso and shall pay the expense of all fees and necessary costs incident to said transaction. The County of El Paso shall convey all of its right title and interest in and to any land offered to the State of Texas in exchange due to the terms of this Act.

Any conveyances made by the State of Texas shall contain appropriate language restricting the use of the property thereby conveyed to Public Park purposes and shall contain proper and appropriate reversion clause providing that in the event any portion of said property shall not be used for public parks and that in such event of it. the property shall revert to the State and in the event of reversion, the County of El Paso shall be without recourse as to the property previously conveyed by it to the State.

Section 3. The fact that the land being conveyed by patent to the County of El Paso is to be used for public use and benefit creates an emergency and an imperative public necessity that the Constitutional Rule requiring bills to be read on three several days in each house be suspended and such rule is hereby suspended, and this Act shall take effect and be in full force from and after its passage, and it is so enacted.

The report was read and was adopted.

Senate Concurrent Resolution 77

Senator Patman offered the following resolution:

S. C. R. No. 77, Authorizing Enrolling Clerk to make certain corrections in H. B. No. 433.

Whereas, House Bill No. 433 has passed the Senate and the House of Representatives and is now in the House Enrolling Room; and

Whereas, A minor error has been found in the metes and bounds description, as amended in the Senate and which description is set forth in Section 1 of said Bill; now, therefore, be it

Resolved by the Senate of Texas, the House of Representatives concurring, That the Enrolling and Engrossing Clerk of the House be and is hereby instructed to correct the error by adding the word "South" after the word "Thence" and before "45°" in the 3rd paragraph preceding Section 2.

The resolution was read.

On motion of Senator Patman and by unanimous consent the resolution was considered immediately and was adopted.

Senate Bill 152 with House Amendments

Senator Baker called S. B. No. 152 from the President's table for consideration of the House amendments to the bill.

The Presiding Officer laid the bill and House amendments before the Senate, and the House amendments were read.

Senator Baker moved that the Senate concur in the House amendments.

The motion prevailed.

House Concurrent Resolution 120 on Second Reading

On motion of Senator Moore and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading the following resolution:

H. C. R. No. 120, Granting permission to Ed Tate and his wife, Norma Tate, to sue the State of Texas and the Texas Highway Department.

The resolution was read and was adopted.

House Bill 860 on Second Reading

On motion of Senator Reagan and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to third reading:

H. B. No. 860, A bill to be entitled "An Act to amend the subject matter of the Texas Unemployment Compensation Act, as amended, and as embraced in Section 7 providing for contributions, and Section 19 providing definition of terms for the Texas Unemployment Compensation Act, as amended (Senate Bill No. 5, Chapter 482, General and Special Laws of the 44th Legislature, Third Called Session, 1936, as amended); providing for the repeal of all laws and parts of laws in conflict herewith and for preserving rights accrued thereunder; providing for the separability of provisions; providing an effective date for this Act; and declaring an emergency."

The bill was read second time and passed to third reading.

House Bill 860 on Third Reading

Senator Reagan moved that the Constitutional Rule and Senate Rule 32 requiring bills to be read on three several days be suspended and that H. B. No. 860 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—30

Aikin	Martin
Baker	Moffett
Calhoun	Moore
Colson	Owen
Creighton	Parkhouse
Crump	Patman
Dies	Ratliff
Fuller	Reagan
Hardeman	Roberts
Hazlewood	Rogers
Herring	Schwartz
Hudson	Secrest
Kazen	Smith
Krueger	Weinert
Lane	Willis

Absent

Gonzalez

The Presiding Officer then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed.

Senate Resolution 535

Senator Herring offered the following resolution:

Whereas, One of the fundamental tenets of a democratic government is the right to vote guaranteed by the constitution of all democratic nations; and

Whereas, The American system of government has advocated throughout the world as one of the prime requisites of a free nation the free election of the representatives of their government; and

Whereas, The necessity for voting is becoming more essential every year as the agents of foreign dictators continue to encroach on the free nations of the world; and

Whereas, An election of great importance is to be held in our own State on May 27, 1961, to select a United States Senator to serve Texas for the next five and one-half years; now, therefore, be it

Resolved, By the Senate of the Fifty-seventh Legislature of the State of Texas that all men and women qualified to vote under the laws of the State of Texas be encouraged and urged to exercise the most precious privilege that the free world has to offer and vote for the candidate of their choice on Saturday, May 27, 1961.

The resolution was read and was adopted.

House Bills and Resolutions on First Reading

The following bills and resolutions received from the House were read the first time and referred to the committees indicated:

H. C. R. No. 108, To the Committee on State Affairs.

H. B. No. 1026, To the Committee on Jurisprudence.

H. B. No. 759, To the Committee on Labor and Management Relations.

H. B. No. 889, To the Committee on Jurisprudence.

H. B. No. 899, To the Committee on Jurisprudence.

H. B. No. 1099, To the Committee on State Affairs.

H. B. No. 1117, To the Committee on Jurisprudence.

H. B. No. 708, To the Committee on Game and Fish.

H. C. R. No. 63, To the Committee on Jurisprudence.

H. J. R. No. 30, To the Committee on Constitutional Amendments.

H. C. R. No. 44, To the Committee on Jurisprudence.

H. C. R. No. 22, To the Committee on Jurisprudence.

H. C. R. No. 100, To the Committee on Jurisprudence.

H. B. No. 1105, To the Committee on Jurisprudence.

H. B. No. 1118, To the Committee on Water and Conservation.

H. B. No. 1122, To the Committee on State Affairs.

H. B. No. 753, To the Committee on Counties, Cities and Towns.

Senate Bill 321 with House Amendments

Senator Herring called S. B. No. 321 from the President's table for consideration of the House amendments to the bill.

The Presiding Officer laid the bill and House amendments before the Senate, and the House amendments were read.

Senator Herring moved that the Senate concur in the House amendments.

The motion prevailed.

Report of Standing Committee

Senator Parkhouse by unanimous consent submitted the following report:

Austin, Texas,
May 26, 1961.

Hon. Ben Ramsey, President of the Senate.

Sir: We, your Committee on Water and Conservation, to whom was referred H. B. No. 1118, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass and be not printed.

PARKHOUSE, Chairman.

House Bill 1118 Ordered Not Printed

On motion of Senator Hardeman and by unanimous consent H. B. No. 1118 was ordered not printed.

House Concurrent Resolution 71 on Second Reading

On motion of Senator Herring and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading the following resolution:

H. C. R. No. 71, Requesting Texas Legislative Council to study extra and non-constitutional duties of the Attorney General and feasibility of relieving him and his office of such duties.

The resolution was read and was adopted.

House Bill 66 on Second Reading

On motion of Senator Gonzalez and by unanimous consent, the regular order of business was suspended to take up for consideration at this

time on its second reading and passage to third reading:

H. B. No. 66, A bill to be entitled "An Act to provide that it shall be unlawful to sell, give or barter knuckles made of any metal or any hard substance, or a switch blade knife; spring blade knife or throw blade knife; providing for penalties; and declaring an emergency."

The bill was read second time.

Senator Gonzalez offered the following amendment to the bill:

Amend H. B. 66 by striking Section 2 of this Act and substituting in lieu thereof the following:

"Section 2. Whoever shall knowingly sell, give or barter, or cause to be sold, given or bartered to any minor a pistol, dirk, dagger, sling shot, blackjack, hand chain, night stick, pipe stick, sword cane, spear, bowie knife or a knife with a blade over five and one-half (5½) inches in length, without the written consent of the parent or guardian of such minor, or of someone standing in lieu thereof, shall be fined not less than Twenty-Five and No/100 (\$25.00) Dollars nor more than Two Hundred and No/100 (\$200.00) Dollars, or be imprisoned in jail for a period of time not to exceed One (1) year or by both such fine and imprisonment.

The amendment was adopted.

On motion of Senator Gonzalez and by unanimous consent the caption was amended to conform to the body of the bill as amended.

The bill as amended was passed to third reading.

House Bill 66 on Third Reading

Senator Gonzalez moved that the Constitutional Rule and Senate Rule 32 requiring bills to be read on three several days be suspended and that H. B. No. 66 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—30

Aikin	Dies
Baker	Gonzalez
Calhoun	Hardeman
Colson	Hazlewood
Creighton	Herring
Crump	Hudson

Kazen	Ratliff
Krueger	Reagan
Lane	Roberts
Martin	Rogers
Moffett	Schwartz
Moore	Secrest
Owen	Smith
Parkhouse	Weinert
Patman	Willis

Absent

Fuller

The Presiding Officer then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed.

House Bill 1043 on Second Reading

On motion of Senator Aikin and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to third reading:

H. B. No. 1043, A bill to be entitled "An Act providing for the hunting, taking, and killing of wild buck deer, wild bear, wild turkey gobblers and collared peccary or javelinas with bows and arrows in Lamar County; establishing a season therefor and providing for use of certain types of bows and arrows; defining a buck deer for purposes of this Act; providing penalties; and declaring an emergency."

The bill was read second time and passed to third reading.

House Bill 1043 on Third Reading

Senator Aikin moved that the Constitutional Rule and Senate Rule 32 requiring bills to be read on three several days be suspended and that H. B. No. 1043 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—31

Aikin	Hazlewood
Baker	Herring
Calhoun	Hudson
Colson	Kazen
Creighton	Krueger
Crump	Lane
Dies	Martin
Fuller	Moffett
Gonzalez	Moore
Hardeman	Owen

Parkhouse	Schwartz
Patman	Secrest
Ratliff	Smith
Reagan	Weinert
Roberts	Willis
Rogers	

The Presiding Officer then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote:

Yeas—31

Aikin	Martin
Baker	Moffett
Calhoun	Moore
Colson	Owen
Creighton	Parkhouse
Crump	Patman
Dies	Ratliff
Fuller	Reagan
Gonzalez	Roberts
Hardeman	Rogers
Hazlewood	Schwartz
Herring	Secrest
Hudson	Smith
Kazen	Weinert
Krueger	Willis
Lane	

Report of Standing Committee

Senator Aikin by unanimous consent submitted the following report:

Austin, Texas,
May 26, 1961.

Hon. Ben Ramsey, President of the Senate.

Sir: We, your Committee on Counties, Cities and Towns, to whom was referred H. B. No. 753, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass and be printed.

AIKIN, Chairman.

House Bill 753 Ordered Not Printed

On motion of Senator Baker and by unanimous consent H. B. No. 753 was ordered not printed.

House Bill 1118 on Second Reading

Senator Hardeman moved that Senate Rules 13, 32 and 38 and the Constitutional Rule requiring bills to be read on three several days be suspended and that H. B. No. 1118 be placed on its second reading and passage to third reading.

The motion prevailed by the following vote:

Yeas—31

Aikin	Martin
Baker	Moffett
Calhoun	Moore
Colson	Owen
Creighton	Parkhouse
Crump	Patman
Dies	Ratliff
Fuller	Reagan
Gonzalez	Roberts
Hardeman	Rogers
Hazlewood	Schwartz
Herring	Secrest
Hudson	Smith
Kazen	Weinert
Krueger	Willis
Lane	

The Presiding Officer then laid before the Senate on its second reading and passage to third reading the following bill:

H. B. No. 1118, A bill to be entitled "An Act making an appropriation to the Runnels County Water Improvement District and authorizing disbursement of the unexpended balance of certain funds and extending the date for the payment of certain moneys to the State; and declaring an emergency."

The bill was read the second time and was passed to third reading.

House Bill 1118 on Third Reading

The Constitutional Rule requiring bills to be read on three several days having been suspended the Presiding Officer laid H. B. No. 1118 before the Senate on its third reading and final passage.

The bill was read the third time and was passed.

Senate Resolution 538

Senator Moffett offered the following resolution:

Whereas, The Texas-Oklahoma Fair, annually held in Iowa Park, Wichita County, Texas, has come to be one of the outstanding regional fairs in the nation; and

Whereas, For many years one day of this Fair has been designated as Pioneer Day, at which pioneers from the North Texas and Southern Oklahoma area have been invited as honor

guests and a suitable program has been carried out in their honor; and

Whereas, In past years the officers and directors of the Texas-Oklahoma Fair have seen fit to invite an outstanding citizen of that area to be a particular honor guest on Pioneer Day; and

Whereas, The officers and directors of the Texas-Oklahoma Fair, after lengthy consideration felt that the Honorable Sam Rayburn, Speaker of the House of Representatives of the Congress of the United States of America, was the most outstanding citizen in North Texas and Southern Oklahoma and therefore was rightfully entitled to be invited as the particular honor guest on the day designated for the proper observance of Pioneer Day at the 1961 Texas-Oklahoma Fair; and

Whereas, Among other considerations which the Board of Directors deemed proper in designating Speaker Rayburn as the particular honor guest on this occasion are the following:

(1) That he is a descendent of pioneer American stock, his family having moved to Bonham, Texas from Roane County, East Tennessee in 1887; and

(2) His parents were of outstanding pioneer background, his father having served four years as a Cavalryman in the Confederate Army; and

(3) Mr. Rayburn is an outstanding example of the American spirit which enables many young men to rise from hardship and obscurity to positions of the highest trust and honor in our country, and thus exemplify the oft quoted epigram, "It can only happen here"; and

(4) Mr. Rayburn completed the then normal three year college course in two years, then taught school for two years, then ran for and was elected to the Texas House of Representatives, where he served six years and was elected Speaker in his final term. At that time he was the youngest man ever to hold that office in Texas. He next became a candidate for the National Congress from the Fourth Congressional District of Texas, was elected and went to Washington just in time for President Woodrow Wilson's first inauguration. Mr. Rayburn has now served longer in the National Congress than any other member of that body, past or present, and has also served as Speaker of the National House of Representatives

longer than any other person. When he first became a member of the National Congress he was assigned to the important Committee on Interstate and Foreign Commerce and played a major role as a member of that committee for many years, becoming the author of numerous bills which brought about suitable and proper regulation of various forms of transportation and communication, which are outstanding milestones in the progress of national legislation in our country; now, therefore, be it

Resolved, That the Senate of the 57th Texas Legislature does hereby compliment and commend the officers and directors of the Texas-Oklahoma Fair for their choice of Mr. Rayburn as the particular honor guest on Pioneer Day at said Fair in the year 1961, and by so doing, wishes to join in the tribute to Mr. Rayburn; and be it further

Resolved, That a copy of this resolution be mailed to Speaker Rayburn at Washington, D. C. and to the President of the Texas-Oklahoma Fair, at Iowa Park, Texas.

MOFFETT
ROBERTS
AIKIN

The resolution was read and was adopted.

Executive Session

On motion of Senator Dies and by unanimous consent the Senate agreed to hold an Executive Session at 11:55 o'clock a.m. today.

Accordingly, the Presiding Officer directed all those not entitled to attend the Executive Session of the Senate to retire from the Senate Chamber and instructed the Sergeant-at-Arms to close all doors leading from the Chamber.

At the conclusion of the Executive Session the Secretary of the Senate informed the Journal Clerk that the Senate had confirmed the following nominations of the Governor:

To be a member of the State Board of Trustees of the Teacher Retirement System, for a six-year term to expire August 31, 1967: Samuel D. Young, Jr. of El Paso, El Paso County.

In Legislative Session

The President called the Senate to

order as In Legislative Session at 11:58 o'clock a.m. today.

Senate Concurrent Resolution 78

Senator Calhoun offered the following resolution:

S. C. R. No. 78, Recalling H. B. No. 1095 from the Governor for further consideration.

Whereas, House Bill No. 1095 has been passed by both the House and the Senate and is now in the office of the Governor and requires certain corrections to be made therein; now, therefore, be it

Resolved by the Senate of Texas, and the House of Representatives concurring, That the Governor be and he is hereby requested to return House Bill No. 1095 to the Senate for correction.

The resolution was read.

On motion of Senator Calhoun and by unanimous consent the resolution was considered immediately and was adopted.

Recess

On motion of Senator Krueger the Senate at 12:01 o'clock p.m. took recess until 2:00 o'clock p.m. today.

After Recess

Senator Hardeman called the Senate to order at 2:00 o'clock p.m. today.

Leave of Absence

Senator Gonzalez was granted leave of absence for today on account of important business on motion of Senator Kazen.

Conference Committee on House Bill 1103

Senator Parkhouse called from the President's table for consideration at this time, the request of the House for a Conference Committee to adjust the differences between the two Houses on H. B. No. 1103 and moved that the request be granted.

The motion to grant the request prevailed.

Accordingly, the Presiding Officer announced the appointment of the following Conferees on the bill on the part of the Senate: Senators Parkhouse, Ratliff, Hardeman, Lane and Creighton.

Senate Concurrent Resolution 74 on Second Reading

On motion of Senator Reagan and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading the following resolution:

S. C. R. No. 74, Granting Central Power and Light Company permission to sue the State of Texas.

The resolution was read and was adopted.

Reports of Standing Committee

Senator Hardeman submitted the following reports:

Austin, Texas,
May 26, 1961.

Hon. Ben Ramsey, President of the Senate.

Sir: We, your Committee on Jurisprudence, to which was referred H. B. No. 1105, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass and be printed.

HARDEMAN, Chairman.

Austin, Texas,
May 26, 1961.

Hon. Ben Ramsey, President of the Senate.

Sir: We, your Committee on Jurisprudence, to which was referred H. B. No. 157, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass and be printed.

HARDEMAN, Chairman.

Austin, Texas,
May 26, 1961.

Hon. Ben Ramsey, President of the Senate.

Sir: We, your Committee on Jurisprudence, to which was referred H. C. R. No. 100, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass and be printed.

HARDEMAN, Chairman.

Austin, Texas,
May 26, 1961.

Hon. Ben Ramsey, President of the Senate.

Sir: We, your Committee on Juris-

prudence, to which was referred H. C. R. No. 22, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass and be printed.

HARDEMAN, Chairman.

Austin, Texas,
May 26, 1961.

Hon. Ben Ramsey, President of the Senate.

Sir: We, your Committee on Jurisprudence, to which was referred H. C. R. No. 63, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass and be printed.

HARDEMAN, Chairman.

Austin, Texas,
May 26, 1961.

Hon. Ben Ramsey, President of the Senate.

Sir: We, your Committee on Jurisprudence, to which was referred H. C. R. No. 44, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass and be printed.

HARDEMAN, Chairman.

Message from the House

Hall of the House of Representatives
Austin, Texas,
May 26, 1961.

Hon. Ben Ramsey, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following:

H. B. No. 1136, Defining the date upon which the annual salary of a member of the Texas House of Representatives shall commence; and declaring an emergency.

S. B. No. 212, A bill to be entitled "An Act amending Section 1 of Article 3.50 of the Insurance Code, Acts 1951, 52nd Legislature, Page 868, Chapter 491, as amended, relating to classes of group life insurance policies that may be delivered in this state, by adding thereto a provision for an additional class of policies issuable to certain association; and declaring an emergency."
(With amendment.)

S. B. No. 165, Amending Article

2669 and Article 2673 of the Revised Civil Statutes of Texas, 1925, as amended, relating to the investment of the State Permanent School Fund by the State Board of Education; repealing all laws in conflict; providing for severability; and declaring an emergency.

(With amendment.)

House has appointed the following Conferees on S. J. R. No. 12: Sandahl, Chairman; Bartram, Harding, Nugent, Slack.

House has appointed the following Conferees on S. B. No. 210: Cannon, Chairman; Fletcher, Smith of Bexar, Wheatley, Wells.

H. C. R. No. 136, Directing the House Enrolling and Engrossing Clerk to make certain corrections in Senate Amendment No. 4 to House Bill No. 821.

Respectfully submitted,

DOROTHY HALLMAN,
Chief Clerk, House of Representatives

House Bill 998 on Second Reading

On motion of Senator Parkhouse and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to third reading:

H. B. No. 998, A bill to be entitled "An Act relating to the licensing of certain Business Brokers and Dealers and Consultants; providing for the definition of certain words and phrases; providing for the administration of this Act; providing for certain exemptions; providing certain procedures, rules and regulations in the licensing and administration of the Act; providing for penalties for the violation of the provision of this Act; and declaring an emergency."

The bill was read second time.

Senator Parkhouse offered the following committee amendment to the bill:

Amend House Bill No. 998 by striking Section 3 and substituting in lieu thereof the following:

"Sec. 3. Exemptions.

The provisions of this Act shall not apply to:

(a) Any person acting as attorney-

in-fact under a duly executed power of attorney from the owner authorizing the final consummation by performance of any contract for the sale, leasing, or exchanging of any business, nor shall this Act be construed to include in any way services rendered by an attorney at law, nor shall it be held to apply to the acts of any person while acting as an escrow holder, receiver, trustee in bankruptcy, administrator or executor, or to any person doing any of the acts specified in this Act under order of any court, nor to apply to the trustee acting under a trust agreement, deed of trust or will, nor to the regular salaried employees thereof, nor shall this Act apply to public officers or employees while performing their duties as such, unless any such person is engaged wholly or in part as a business broker, business salesman, or business consultant.

(b) The sale, lease or transfer of any property when such sale, lease or transfer is made by the owner, or one of the owners, or the attorney for said owner or owners, or his or its regular employees, unless the owner or owners or the attorney for said owner or owners is engaged wholly or in part as a business broker, business salesman or business consultant.

(c) Any person licensed under the Real Estate License Act, while engaged in any activity related to the purposes for which he is licensed under the Retail Estate License Act.

(d) Any certified public accountant licensed under the laws of the State of Texas, unless any such person is engaged wholly or in part as a business broker, business salesman, or business consultant.

(e) Any employee of any bank or finance corporation while engaged in any activity related to the business of any such bank or finance corporation.

(f) Anyone licensed under the Securities Act of Texas, while engaged in any activity related to the purposes for which he is licensed under the Securities Act of Texas."

The committee amendment was adopted.

On motion of Senator Parkhouse and by unanimous consent the caption was amended to conform to the body of the bill as amended.

Question on passage of H. B. No.

998 to third reading, yeas and nays were demanded.

House Bill 998 failed to pass to third reading by the following vote:

Yeas—12

Calhoun	Parkhouse
Creighton	Ratliff
Crump	Reagan
Kazen	Rogers
Lane	Schwartz
Moffett	Willis

Nays—13

Aikin	Krueger
Baker	Martin
Colson	Moore
Dies	Patman
Hardeman	Roberts
Herring	Smith
Hudson	

Absent

Fuller	Secrest
Hazlewood	Weinert
Owen	

Absent—Excused

Gonzalez

House Bill 157 Ordered Not Printed

On motion of Senator Kazen and by unanimous consent H. B. No. 157 was ordered not printed.

Senate Bill 132 on Third Reading

On motion of Senator Crump and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its third reading and final passage:

S. B. No. 132, A bill to be entitled "An Act providing for the licensing and regulation of all persons engaged in the business of Structural Pest Control to be administered by the Texas State Department of Health; providing for an Advisory Council; defining terms used; providing for exceptions; requiring license; etc., and declaring an emergency."

The bill was read the third time and was passed.

Record of Votes

Senators Hardeman and Willis asked to be recorded as voting "Nay" on the final passage of S. B. No. 132.

Senate Concurrent Resolution 59 on Second Reading

On motion of Senator Schwartz and by unanimous consent the Presiding Officer laid before the Senate on its second reading the following resolution:

S. C. R. No. 59, Providing for an interim joint committee to study all matters pertaining to the development and use of the bays and inlets of the State of Texas.

The resolution was read.

Senator Schwartz offered the following amendment to the resolution:

Amend S. C. R. No. 59 by striking Section 1 thereof and substituting the following Section 1:

"Section 1. A Committee is hereby created consisting of eleven (11) members; two (2) representing the public at large, one (1) representing the oil and gas pipeline industry, one (1) representing the industry engaged in the mining and producing of mud-shell, clam shell, sand, clay and marl, one (1) representing the commercial fishing and shrimping industry, three (3) Representatives to be appointed by the Speaker of the House of Representatives, and three (3) Senators to be appointed by the Lieutenant Governor of the State. The five (5) public members shall be appointed by the Governor."

The amendment was adopted.

Senator Patman offered the following amendment to the resolution:

Amend Senate Concurrent Resolution 59 by adding the following sentence at the end thereof:

"Testimony given at any hearing conducted pursuant to this Resolution shall be reduced to writing and shall be given under oath subject to the penalties of perjury."

The amendment was read.

On motion of Senator Schwartz the amendment was tabled by the following vote:

Yeas—14

Baker	Lane
Colson	Moffett
Dies	Moore
Fuller	Parkhouse
Hardeman	Ratliff
Kazen	Reagan
Krueger	Schwartz

Nays—14

Aikin	Owen
Calhoun	Patman
Creighton	Roberts
Crump	Rogers
Herring	Secrest
Hudson	Smith
Martin	Willis

Absent

Hazlewood Weinert

Absent—Excused

Gonzalez

The resolution as amended was then adopted.

House Bill 1105 Ordered Not Printed

Senator Lane asked unanimous consent that H. B. No. 1105 be ordered not printed.

There was objection.

Senator Lane then moved that H. B. No. 1105 be ordered not printed.

The motion prevailed by the following vote:

Yeas—24

Aikin	Lane
Baker	Martin
Calhoun	Moffett
Colson	Moore
Creighton	Owen
Crump	Parkhouse
Dies	Ratliff
Fuller	Reagan
Hardeman	Roberts
Hudson	Schwartz
Kazen	Smith
Krueger	Willis

Nays—3

Herring Secrest
Patman

Absent

Hazlewood Weinert
Rogers

Absent—Excused

Gonzalez

House Concurrent Resolution 100 Ordered Not Printed

On motion of Senator Calhoun and by unanimous consent H. C. R. No. 100 was ordered not printed.

House Bill 177 on Second Reading

On motion of Senator Hudson and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to third reading:

H. B. No. 177, A bill to be entitled "An Act creating a conservation and reclamation district under the provisions of Section 59, Article XVI of the Constitution to be known as 'Rio Grande Palms Water District'; defining its powers; abolishing Cameron County Water Control and Improvement District No. 20; enacting other provisions relating to the subject; and declaring an emergency."

The bill was read second time and passed to third reading.

House Bill 177 on Third Reading

Senator Hudson moved that the Constitutional Rule and Senate Rule 32 requiring bills to be read on three several days be suspended and that H. B. No. 177 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—29

Aikin	Martin
Baker	Moffett
Calhoun	Moore
Colson	Owen
Creighton	Parkhouse
Crump	Patman
Dies	Ratliff
Fuller	Reagan
Hardeman	Roberts
Hazlewood	Rogers
Herring	Schwartz
Hudson	Secrest
Kazen	Smith
Krueger	Willis
Lane	

Absent

Weinert

Absent—Excused

Gonzalez

The Presiding Officer then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed.

House Bill 897 on Second Reading

On motion of Senator Moore and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to third reading:

H. B. No. 897, Amending a portion of the Texas Liquor Control Act; amending Subsection 1 of Article 667-24a, Texas Penal Code, the Texas Liquor Control Act, Acts of the Forty-fourth Legislature, Second Called Session, as amended, to more clearly define "outdoor advertising"; and declaring an emergency.

The bill was read second time and passed to third reading.

House Bill 897 on Third Reading

Senator Moore moved that the Constitutional Rule and Senate Rule 32 requiring bills to be read on three several days be suspended and that H. B. No. 897 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—22

Baker	Martin
Calhoun	Moore
Creighton	Owen
Crump	Parkhouse
Dies	Patman
Hardeman	Ratliff
Hazlewood	Reagan
Hudson	Roberts
Kazen	Schwartz
Krueger	Secrest
Lane	Smith

Nays—5

Aikin	Moffett
Colson	Willis
Herring	

Absent

Fuller	Weinert
Rogers	

Absent—Excused

Gonzalez

The Presiding Officer then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed.

Record of Votes

Senators Aikin, Roberts, Moffett, Colson, Willis, Herring, Ratliff, Rogers, and Martin asked to be recorded as voting "Nay" on the final passage of H. B. No. 897.

Message from the House

Hall of the House of Representatives
Austin, Texas,
May 26, 1961.

Hon. Ben Ramsey, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following:

S. B. No. 22, A bill to be entitled "An Act to authorize the establishment of special county-wide day schools for deaf scholastics between the scholastic age of Six (6) and Twenty-one (21) years, inclusive, in all counties having a population of Three Hundred Thousand (300,000) inhabitants or more according to the last preceding Federal census; establishing eligibility; providing for admission to the Texas School for the Deaf and Texas Blind, Deaf and Orphan School at chronological age Fourteen (14) or continuing in the county day school; providing an option for students between the scholastic ages of Six (6) and Thirteen (13) enrolled in the Texas School for the Deaf or Texas Blind, Deaf and Orphan School on the effective date of this Act and rendering other such deaf children within such ages ineligible for admission to such State schools except on concurrence of superintendents; providing for financing of county-wide schools hereby established; providing that the Central Education Agency shall develop an educational program for such schools; and declaring an emergency."

H. C. R. No. 130, Relative to setting aside and renovating certain space in the Capitol for use of the House and the Senate.

S. B. No. 76, A bill to be entitled "An Act amending Sections 1, 3, 4, and 6, deleting Section 7, changing the number of Section 8, deleting Sections 9, 10, 11, 12, of House Bill 309, Chapter 344, Acts of the Forty-ninth Legislature, Regular Session, 1945, defining certain terms, and further amending said Act by adding ad-

ditional sections designated as Sections 8 through 14 inclusive; providing for the enabling of the Commission to establish and enforce rules and regulations, conduct investigations and hearings; providing for technical assistance to municipalities and others; providing for aeronautical education of airmen and others; providing for penalties and judicial review; establishing the Texas Applicators Pest Control Council, compensation of its members, providing for inspection powers, publishing and distribution of information, licensing, financial responsibility, disposition of fees collected, examination, refusal of license and grounds therefor, providing filings of complaints, reports, notice, hearings, action by the Council, appeals and punishment; providing a savings clause; and declaring an emergency."

(With amendment.)

S. B. No. 477, A bill to be entitled "An Act authorizing eligible counties, as defined therein, to issue certificates of indebtedness for a stated purpose; stating terms and conditions of issuance; requiring the levy of a tax to pay such certificates and interest thereon; providing for the issuance of refunding bonds; enacting other provisions incident and related to the subject; and declaring an emergency."

The House has granted the request of the Senate for the appointment of a Conference Committee on Senate Bill No. 249. House has appointed the following Conference Committee: Bailey, Chairman, Barlow, Cole of Hunt, Johnson of Bexar, Richardson.

The House has granted the request of the Senate for the appointment of a Conference Committee on Senate Bill No. 135. House has appointed the following Conference Committee: Stewart, Maco, Garrison, Huebner, LaValle, Ward.

The House has granted the request of the Senate for the appointment of a Conference Committee on S. B. 385: Cole of Harris, Chairman, Glass, Jarvis, Kilpatrick, Moore.

S. B. No. 473, A bill to be entitled "An Act amending Art. 6066, R.C.S. of Texas, 1925, as amended, so as to authorize transfer of monies collected pursuant to the provisions of Article 6060, R.C.S. of Texas, 1925, as amend-

ed, for the purpose of paying for the administration of the conservation laws of this State relating to the production of gas, which includes condensates and distillates, making other provisions thereto; and declaring an emergency."

Respectfully submitted,

DOROTHY HALLMAN,
Chief Clerk, House of Representatives

House Bill 284 on Third Reading

On motion of Senator Creighton and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its third reading and final passage:

H. B. No. 248, A bill to be entitled "An Act to amend Article 1016 and Article 1019 of the Revised Civil Statutes of Texas of 1925 to make the provisions thereof applicable to any city or town incorporated under the general laws of this State and to authorize the governing body of any such city or town to vacate, abandon, and close streets and alleys within such city or town; and declaring an emergency."

The bill was read the third time and was passed.

Bills and Resolutions Signed

The Presiding Officer announced the signing by the President in the presence of the Senate after the captions had been read the following enrolled bills and resolutions:

H. C. R. No. 122, Suspending Joint Rules to consider S. B. No. 10 at any time.

H. J. R. No. 25, Proposing an amendment to Section 60 of Article III of the Constitution of the State of Texas to authorize all counties and other political subdivisions of this State to provide insurance for all employees; providing for the submission of this amendment to the voters of this State; prescribing the form of ballot; providing for the proclamation and publication thereof.

H. C. R. No. 101, Granting permission to the Solar Construction and Engineering Company to sue the State of Texas, the State Highway Engineer, and the State Highway Commission.

H. C. R. No. 105, Granting permission to L. B. Nash to sue the State of Texas.

H. C. R. No. 116, Congratulating the Honorable Tom L. McCullough on his 92nd birthday.

H. C. R. No. 89, Granting permission to Walter Szczurek to sue the State of Texas in Travis County, Texas.

H. C. R. No. 92, Granting permission to Myrtle Pope and Dillard Pope to sue the State of Texas and the Texas Highway Department.

H. B. No. 100, A bill to be entitled "An Act to relieve from liability for civil damages persons who render emergency care at the scene of an emergency; providing certain exceptions; and declaring an emergency."

H. B. No. 141, A bill to be entitled "An Act to amend Articles 2.08 and 10.04 of the Texas Non-Profit Corporation Act, Acts 1959, 56th Legislature, Chapter 162; and declaring an emergency."

H. B. No. 162, A bill to be entitled "An Act amending Sections 27 and 28 of the Texas Mental Health Code, Chapter 243, Acts of the Fifty-fifth Legislature, Regular Session (compiled as Article 5547—27 and Article 5547—28, Vernon's Texas Civil Statutes), by providing that the 24-hour time limit for obtaining a court order in emergency hospitalization proceedings be deleted from Section 27 and reinstated in a new subsection (c) to Section 28, with the proviso that should the person be admitted to the hospital on a Saturday or Sunday, or a legal holiday, then the 24-hour time limit shall begin at 9:00 a.m. of the first succeeding business day; and providing a definition in subsection (c) of the type of court order required under the emergency admission procedure; and declaring an emergency."

H. B. No. 185, A bill to be entitled "An Act making proof by either party to a civil suit of the existence of, or along side any public thoroughfare of any traffic control lights, stop signs, or of one-way street signs prima facie proof that such sign had been lawfully installed by competent authority at the place of its location; and declaring an emergency."

H. B. No. 254, A bill to be entitled "An Act amending Sections 1 and 12 of Chapter 159, Acts of the 54th Legislature, Regular Session, 1955, to en-

able counties having a population of one hundred twenty thousand (120,000) or more to establish the office of Medical Examiner; and declaring an emergency."

H. B. No. 262, A bill to be entitled "An Act amending Article 4001 of the Revised Civil Statutes of Texas, 1925, to provide that the term merchandise in the Bulk Sales Law shall be construed as including, but not limited to, meat and other edible foods furnished to restaurants, cafes and cafeterias, and declaring an emergency."

H. B. No. 295, A bill to be entitled "An Act to amend Article 1160 of the Texas Penal Code, 1925, as amended, relating to the offense of assault with intent to murder; and declaring an emergency."

H. B. No. 324, A bill to be entitled "An Act amending House Bill 501, Acts of the Fiftieth Legislature, Regular Session, 1947, Chapter 204, codified as Article 6877-1 of Vernon's Civil Statutes, so as to provide that when a county furnishes the sheriff or his deputies with motor vehicles pursuant to the provisions of Subsection (b) of Section 1 of this Act that the sheriff or his deputies shall be compensated at a rate not to exceed six cents (6¢) per mile, while engaged in the performance of their official duties; etc.; and declaring an emergency."

H. B. No. 436, A bill to be entitled "An Act amending Section 1 of Chapter 39, Acts of the 44th Legislature, 1935, as last amended, codified as Article 4639a, Vernon's Texas Civil Statutes, by providing that jury determination of child custody may not be contravened by judgment of the court upon granting a divorce; and declaring an emergency."

H. B. No. 503, A bill to be entitled "An Act authorizing the State Parks Board to enter into agreements for participation of local units of government in operation and maintenance of State Parks; providing that the State Parks Board may enter into interagency contracts for maintenance of State Parks with the State Highway Department; providing a severability clause; providing a savings clause; and declaring an emergency."

H. B. No. 512, A bill to be entitled "An Act authorizing the Governor,

upon recommendation of the State Highway Commission, to convey certain of the State's interests in certain lands when such interests are necessary for the construction, operation or maintenance of flood control, river and harbor improvement, water conservation, or other civil works projects of the United States, ratifying and validating certain previous conveyances; providing severability; and declaring an emergency."

H. B. No. 551, A bill to be entitled "An Act amending Section 89 of the Texas Probate Code so as to expressly provide for the probate of wills as Muniments of Title; and declaring an emergency."

H. B. No. 600, A bill to be entitled "An Act creating a conservation and reclamation district under the provisions of Section 59, Article XVI, Constitution of Texas, to be known as 'Angleton Municipal Utility District'; prescribing its rights, powers, privileges, and duties; providing the district shall bear the sole expense of the relocation of certain facilities under the provisions of this Act; providing for its governing body; containing other provisions relating to the subject; providing a severability clause; and declaring an emergency."

H. B. No. 640, A bill to be entitled "An Act relating to the taking and transportation of minnows in certain counties; amending Chapter 45, Acts of the 44th Legislature, 1935, as amended, by adding Ellis County to those counties to which this Act shall apply; and declaring an emergency."

H. B. No. 676, A bill to be entitled "An Act amending House Bill 125, Chapter 47 of the General and Special Laws of the State of Texas, Fiftieth Legislature, 1947, relating to the operation of vending stands on State property by blind persons so as to enlarge the economic opportunities of the blind, by adding a new section to be known as Section 1 (a) authorizing the State Commission for the Blind to negotiate with heads of departments, boards or commissions and/or divisions of departments, boards or commissions for certain proceeds accruing from vending machines operated for profit by departments, boards or commissions and/or divisions of departments, boards or commissions, to accrue to the blind vending stand operator in said building; and declaring an emergency."

H. B. No. 687, A bill to be entitled "An Act conferring upon the Game and Fish Commission regulatory authority over wildlife resources in the County of Walker; amending Section 1 of Chapter 125, Acts of the Fifty-second Legislature, 1951, as amended, so as to make that Act applicable to such County; repealing certain laws and fixing an effective date of the repeal; providing for severability; and declaring an emergency."

H. B. No. 706, A bill to be entitled "An Act to amend Article 3930 of the Revised Civil Statutes of Texas, 1925, as amended by Act 1957, 55th Legislature, Regular Session, Chapter 228, page 477; this amendment relates to fees which county clerks and clerks of county courts shall receive for their services in counties having 1,200,000, or more population according to the latest Federal Census, subject to the adoption of this Act by the commissioners' court of a county otherwise qualified; etc.; and declaring an emergency."

H. B. No. 800, A bill to be entitled "An Act amending Ch. 279 of the Acts of the 56th Leg. (being the Act creating 'Red River Authority of Texas') by adding Sec. 32 repealing Sections 16, 19 and 25 of said Chapter; adding Sec. 33 enabling the authority to contract and enter into such agreements as may be necessary to accomplish the purposes for which it was created; and Sec. 34 providing for certain general powers; Sec. 35 enabling the authority to acquire and operate certain water improvement and distribution systems; and Sec. 36 declaring an emergency."

H. B. No. 818, A bill to be entitled "An Act validating sales and conveyances or attempted sales and conveyances by counties of county owned lands."

H. B. No. 913, Amending Section 6 of Chapter 50, Acts of the Fifty-fifth Legislature, Regular Session, 1957, so as to provide that antlerless deer shall not be hunted or taken without written permission of certain persons; amending Section 9 of Chapter 50, Acts of the Fifty-fifth Legislature, Regular Session, 1957, by excepting Mason County from the provisions of the Section; and declaring an emergency.

H. B. No. 923, A bill to be entitled

"An Act creating a conservation and reclamation district under Article XVI, Section 59, of the Constitution of Texas, comprising certain territory contained in Kerr County, Texas, to be known as Kerr County (Center-point) Water Control and Improvement District, constituting the same a governmental agency and body politic and corporate and a municipal corporation; defining the boundaries; etc.; and declaring an emergency."

H. B. No. 975, A bill to be entitled "An Act relating to liability of property annexed to the Bistone Municipal Water Supply District for bonds issued by the District prior to the annexation of the property, amending Section 5(j) of Chapter 368, Acts of the 55th Legislature, Regular Session, 1957; and declaring an emergency."

H. B. No. 1044, A bill to be entitled "An Act amending Article 1.09-3 of the Insurance Code to provide that members and employees of the State Board of Insurance shall be subject to the same code of ethics and standards of conduct as members and employees of other state regulatory agencies; and declaring an emergency."

H. B. No. 1054, A bill to be entitled "An Act authorizing the County Commissioners Court of any county having a population of not less than Nine Thousand, One Hundred (9,100) and not more than Nine Thousand Three Hundred (9,300) inhabitants according to the last preceding Federal Census to fix the salaries of the deputies, clerks, and assistants of any district, county or precinct officer at a sum not to exceed Four Thousand, Two Hundred Dollars (\$4,200) per year; etc.; and declaring an emergency."

H. B. No. 1065, A bill to be entitled "An Act authorizing the Commissioners Courts of the Counties of the 38th Judicial District to supplement the salary of the District Attorney of the 38th Judicial District; and declaring an emergency."

H. B. No. 1071, A bill to be entitled "An Act to authorize and empower Tarrant County Water Control & Improvement District Number One to provide for and administer a retirement, disability and death compensation fund for officers and employees of the District; etc., and declaring an emergency."

H. B. No. 1080, A bill to be entitled "An Act relating to Pension Systems for Policemen in certain cities, amending Section 9 of Chapter 76, Acts of the Fiftieth Legislature, as last amended (codified as Section 9 of Article 6243g-1 of Vernon's Texas Civil Statutes), relating to eligible investments for surplus pension funds; and declaring an emergency."

H. B. No. 1089, A bill to be entitled "An Act providing an open season for hunting, taking, or killing quail in Jim Hogg County; fixing a penalty; and declaring an emergency."

H. B. No. 1090, A bill to be entitled "An Act to fix and make certain the amount of compensation to be paid from county funds by counties having a population of one million two hundred thousand (1,200,000) or more, according to the last preceding Federal census, as compensation to district and criminal district judges in such counties; providing for the compensation of substitute judges; and declaring an emergency."

H. B. No. 1092, A bill to be entitled "An Act limiting the provisions of this Act to Webb County; making it unlawful, except under the provisions of this Act, for any person to hunt, take, kill or possess any game bird or game animal in said county at any time; to take, kill or trap any fur-bearing animal in said county; to take or attempt to take any freshwater fish or other aquatic life in said county by any means or method; prescribing the legislative policy with respect to the wildlife resources in said county; conferring upon the Game and Fish Commission authority to regulate by proclamation, order, rule or regulation the taking of the wildlife resources of said county; etc., and declaring an emergency."

H. B. No. 1097, A bill to be entitled "An Act amending Section 1 of Chapter 267, Acts of the 56th Legislature, Regular Session, 1959, relating to the open season for deer in Upshur and Wood Counties; and declaring an emergency."

H. B. No. 1098, A bill to be entitled "An Act amending Section 4 of Chapter 427, Acts of the 54th Legislature, Regular Session, 1955, as last amended, which is codified as Section 4 of Article 3883i, Vernon's Texas Civil Statutes, so as to provide higher com-

pensation for county officials of certain counties with high assessed values for tax purposes; and declaring an emergency."

H. B. No. 1115, A bill to be entitled "An Act amending Sections 1, 2, 3, 4, and paragraph (d) of Section 5 of Chapter 9, Acts of the 56th Legislature, First Called Session, 1959, as amended by Chapter 61, Acts of the 57th Legislature, 1961, relating to the creation, administration and financing of the Hospital District co-extensive with County Commissioners Precinct No. 4 of Comanche County; and declaring an emergency."

H. B. No. 1126, To exclude certain described lands from Hidalgo County Water Improvement District No. 2; finding notice of intent to apply for passage of such Act to have been duly given; and declaring an emergency.

H. B. No. 1131, Applicable to all Cities contained in any County which has, in conjunction with an adjoining County, created a joint Board of Park Commissioners under the provisions of Chapter 137, Acts of the Fifty-sixth Legislature; authorizing any such city to sell and convey land to such joint Board of Park Commissioners or to such counties; providing the method of making such conveyance; enacting other provisions related to the subject; and declaring an emergency.

H. B. No. 527, A bill to be entitled "An Act providing annual salary of Sixteen Thousand Five Hundred Dollars (\$16,500) for district attorneys of all counties of a population of not less than six hundred thousand (600,000) nor more than seven hundred thousand (700,000) according to the last preceding Federal Census; and declaring an emergency."

H. B. No. 143, A bill to be entitled "An Act exempting Freestone County from the Act providing for an open archery season for certain animals; amending Section 2A of Chapter 189, Acts of the 56th Legislature, Regular Session, 1959, as amended; and declaring an emergency."

H. B. No. 168, Amend Subsection (2) of Section 3 of the Airport Zoning Act of 1947, Acts of the 50th Legislature, Regular Session, Chapter 391, page 784 (compiled as Subsection (2) of Article 46e-3 of Vernon's Texas

Civil Statutes), to expressly empower any political subdivision in which there is located an airport owned or operated by a defense agency of the Federal government or the State of Texas any political subdivision in which there exists any airport hazard area appertaining to such an airport to create a joint airport zoning board; and declaring an emergency.

H. B. No. 479, A bill to be entitled "An Act to provide for the annual adoption by the State Board of Education of an operating budget for the administration and supervision of the Central Education Agency, for procedure and filing incident thereto; providing that items budgeted shall be paid from the Foundation School Fund except where otherwise payable in whole or in part from Federal and/or other special funds appropriated; providing amount budgeted shall not exceed a fixed percentage of the total cost of the Foundation School Program annually estimated for purposes of the Foundation School Program Act; providing authority of the State Board of Education to accept grants to discharge responsibilities assigned; providing a severability or savings clause; and declaring an emergency."

H. B. No. 511, A bill to be entitled "An Act authorizing the Governor, upon recommendation of the State Highway Commission, to convey certain of the State's interests in certain lands when such interests are necessary for the maintenance of any Federally owned or operated Military installation or facility; ratifying and validating certain previous conveyances; providing severability; and declaring an emergency."

H. B. No. 167, Amend Section 7 of Chapter 283, page 424, Acts of the 40th Legislature, Regular Session, 1927, as amended by Section 1 of Chapter 244, page 545, Acts of the 56th Legislature, Regular Session, 1959 (compiled as Article 1011g of Vernon's Texas Civil Statutes) to provide that all cases to be heard by the Board of Adjustment of a city, town, or village will always be heard by a minimum number of four (4) members; and declaring an emergency.

H. B. No. 1114, A bill to be entitled "An Act authorizing power and authority to the city of Corpus Christi

to lease certain submerged lands described herein which the State of Texas heretofore relinquished its right, title and interest to the city of Corpus Christi, without restriction as to private or public use, to any person, firm or corporation, public or private, owning lands, land fill or shore area adjacent to the described submerged lands, for any period or term not to exceed fifty years, and upon whatever terms, conditions and consideration as is deemed proper by the governing body of the city; etc., and declaring an emergency."

House Concurrent Resolution 136 on Second Reading

On motion of Senator Kazen and by unanimous consent the Presiding Officer laid before the Senate on its second reading the following resolution:

H. C. R. No. 136, Authorizing Enrolling Clerk of the House to make certain corrections in H. B. No. 821.

The resolution was read and was adopted.

Report of Standing Committee

Senator Krueger by unanimous consent submitted the following report:

Austin, Texas,
May 26, 1961.

Hon. Ben Ramsey, President of the Senate.

Sir: We, your Committee on Game and Fish, to whom was referred H. B. No. 708, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass and be printed.

KRUEGER, Chairman.

House Bill 708 Ordered Not Printed

On motion of Senator Fuller and by unanimous consent H. B. No. 708 was ordered not printed.

Motion to Place House Bill 20 on Second Reading

Senator Patman asked unanimous consent to suspend the regular order of business and take up H. B. No. 20 for consideration at this time.

There was objection.

Senator Patman then moved to suspend the regular order of business and

take up H. B. No. 20 for consideration at this time.

The motion was lost by the following vote:

Yeas—6

Aikin	Patman
Hazlewood	Schwartz
Herring	Willis

Nays—22

Baker	Martin
Calhoun	Moffett
Colson	Moore
Creighton	Owen
Crump	Parkhouse
Fuller	Ratliff
Hardeman	Reagan
Hudson	Roberts
Kazen	Rogers
Krueger	Secrest
Lane	Smith

Absent

Dies	Weinert
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Absent—Excused

Gonzalez

House Bill 921 on Second Reading

On motion of Senator Crump and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to third reading:

H. B. No. 921, A bill to be entitled "An Act amending Article 1334 of the Penal Code of Texas, 1925, to provide for the inclusion of electrical transmission lines in addition to others specified therein, and also to add the offense of selling or attempting to sell to the other offenses provided for therein; and declaring an emergency."

The bill was read second time and passed to third reading.

House Bill 921 on Third Reading

Senator Crump moved that the Constitutional Rule and Senate Rule 32 requiring bills to be read on three several days be suspended and that H. B. No. 921 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—28

Aikin	Martin
Baker	Moffett
Calhoun	Moore
Colson	Owen
Creighton	Parkhouse
Crump	Patman
Fuller	Ratliff
Hardeman	Reagan
Hazlewood	Roberts
Herring	Rogers
Hudson	Schwartz
Kazen	Secrest
Krueger	Smith
Lane	Willis

Absent

Dies	Weinert
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Absent—Excused

Gonzalez

The Presiding Officer then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote:

Yeas—28

Aikin	Martin
Baker	Moffett
Calhoun	Moore
Colson	Owen
Creighton	Parkhouse
Crump	Patman
Dies	Ratliff
Fuller	Reagan
Hardeman	Roberts
Hazlewood	Rogers
Herring	Schwartz
Hudson	Secrest
Kazen	Smith
Krueger	Willis
Lane	

Absent

Weinert

Absent—Excused

Gonzalez

House Bill 289 on Second Reading

On motion of Senator Martin and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to third reading:

H. B. No. 289, A bill to be entitled "An Act to be known and cited as the Legislative Reorganization Act of 1961; providing for the selection, functions, meetings and powers of standing committees in each House; providing for special committees in each House and joint committees of the two Houses; etc.; and declaring an emergency."

The bill was read second time.

Senator Martin offered the following Committee Amendment to the bill:

Amend House Bill 289 by striking Section 13 and substituting therefor the following:

"No witness is privileged to refuse to testify to any fact, or to produce any paper, respecting which he shall be examined by either House of the Legislature, or by any Committee of either House, upon the ground that his testimony to such fact or his production of such paper may tend to disgrace him or otherwise render him infamous. Any person called upon to testify or to give testimony or to produce papers upon any matter under inquiry before either House or in the Committee of either House of the Legislature or Joint Committee of both Houses, who refuses to testify, give testimony or produce papers upon any matter under inquiry upon the ground that his testimony or the production of papers would incriminate him, or tend to incriminate him, shall nevertheless be required to testify and to produce papers but when so required, over his objections for the reasons above set forth, such person shall not be subject to indictment or prosecution for any transaction, matter or thing concerning which he truthfully testified or produces evidence, documentary, or otherwise. Any person testifying before the Legislature or any Committee thereof shall have the right to counsel. At all hearings held before any Committee of the Legislature, and all testimony given or statements made, shall be in accordance with the rules of evidence applicable in the trial of civil cases shall govern and shall be applied by the Committee Chairman or a member of the Committee acting for the chairman."

The Committee Amendment was read.

Senator Martin offered the following amendment to the Committee Amendment:

Amend Senate Committee Amendment to House Bill 289 by striking out the last sentence of said amendment.

The amendment to the Committee Amendment was adopted.

The Committee Amendment as amended was then adopted.

Senator Martin offered the following amendment to the bill:

Amend House Bill 289 by striking out all of Section 6 and substituting in lieu thereof the following:

"Sec. 6. Meeting of Standing Committees. To the extent practicable when the Legislature is in session, each standing committee shall conduct regular committee meetings in accordance with the Rules of Procedure and other requirements of its respective House of the Legislature. Each standing committee shall meet at such other times as may be determined by the committee. When the Legislature is not in session, to the extent authorized by the respective Houses by resolution, each committee shall have full power and authority to determine the times and places it shall meet. Each committee shall meet as often as necessary to transact effectively the business of such committee. Unless otherwise determined by the committee, all committee meetings shall be in Austin, but such committee may meet elsewhere within the State of Texas if authorized by resolution of the House creating such committee and if deemed necessary by the committee for the orderly transaction of its business."

The amendment was adopted.

Senator Martin offered the following amendment to the bill:

Amend House Bill 289 by striking out Sections 21 and 22 and substituting the following for Section 21, and renumbering the remaining sections:

"Sec. 21. Contingent Expenses. Each House of the Legislature is hereby authorized to provide for the contingent expenses of its members for the entire term of office for which they have been elected, and it is also authorized to appropriate such money as may be necessary to pay all salaries, per diem and other expenditures authorized by law. Provided, however,

that the appropriation shall specify separate appropriations for the House of Representatives and the Senate, and the Comptroller shall keep the accounts separate and distinct and no money may be transferred from one account to the other except by law."

The amendment was adopted.

Senator Martin offered the following amendment to the bill:

Amend House Bill 289, Section 8, subsection (2) on page 4 of the Senate-printed bill by changing the period to a comma after the word "Committee" on line 19, and adding the following clause immediately thereafter:

"which are not inconsistent with Section 13 of this Act."

The amendment was adopted.

Senator Martin offered the following amendment to the bill:

Amend House Bill 289, Section 8, by adding the following sentence at the end of subsection (6):

"However, it is expressly provided that no employment or compensation shall be authorized until it has been first submitted to the Speaker of the House or the President of the Senate, as the case may be, and he has authorized it in writing."

The amendment was adopted.

On motion of Senator Martin and by unanimous consent the caption was amended to conform to the body of the bill as amended.

Senator Fuller moved to reconsider the vote by which the Committee Amendment as amended was adopted.

Senator Martin moved to table the motion to reconsider.

Question on the motion to table, yeas and nays were demanded.

The motion to table was lost by the following vote:

Yeas—13

Baker	Krueger
Calhoun	Martin
Colson	Moffett
Creighton	Patman
Dies	Roberts
Herring	Schwartz
Hudson	

Nays—14

Aikin	Moore
Crump	Parkhouse
Fuller	Ratliff
Hardeman	Rogers
Hazlewood	Secrest
Kazen	Smith
Lane	Willis

Absent

Owen	Weinert
Reagan	

Absent—Excused

Gonzalez

Question recurring on the motion to reconsider the vote by which the Committee Amendment as amended was adopted, yeas and nays were demanded.

The motion to reconsider was lost by the following vote:

Yeas—6

Crump	Lane
Fuller	Reagan
Kazen	Secrest

Nays—22

Aikin	Moffett
Baker	Moore
Calhoun	Owen
Colson	Parkhouse
Creighton	Patman
Dies	Ratliff
Hardeman	Roberts
Herring	Rogers
Hudson	Schwartz
Krueger	Smith
Martin	Willis

Absent

Hazlewood	Weinert
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Absent—Excused

Gonzalez

H. B. No. 289 as amended was then passed to third reading.

(President in the Chair.)

House Bill 289 on Third Reading

Senator Martin moved that the Constitutional Rule and Rule 32 requiring bills to be read on three several days be suspended and that H. B. No. 289 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—29

Aikin	Martin
Baker	Moffett
Calhoun	Moore
Colson	Owen
Creighton	Parkhouse
Crump	Patman
Dies	Ratliff
Fuller	Reagan
Hardeman	Roberts
Hazlewood	Rogers
Herring	Schwartz
Hudson	Secrest
Kazen	Smith
Krueger	Willis
Lane	

Absent

Weinert

Absent—Excused

Gonzalez

The President then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote:

Yeas—29

Aikin	Martin
Baker	Moffett
Calhoun	Moore
Colson	Owen
Creighton	Parkhouse
Crump	Patman
Dies	Ratliff
Fuller	Reagan
Hardeman	Roberts
Hazlewood	Rogers
Herring	Schwartz
Hudson	Secrest
Kazen	Smith
Krueger	Willis
Lane	

Absent

Weinert

Absent—Excused

Gonzalez

House Concurrent Resolution 100 on Second Reading

On motion of Senator Calhoun and by unanimous consent, the President laid before the Senate on its second reading the following resolution:

H. C. R. No. 100, Granting H. N.

Crow et ux. permission to sue the State of Texas.

The resolution was read and was adopted.

House Concurrent Resolution 98 on Second Reading

On motion of Senator Herring and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading the following resolution:

H. C. R. No. 98, Requesting the Texas Commission on Higher Education to make a special study of the overall needs of the State in the field of public higher education.

The resolution was read and was adopted.

House Concurrent Resolution 77 on Second Reading

On motion of Senator Crump and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading the following resolution:

H. C. R. No. 77, Granting George T. Odom permission to sue the State of Texas.

The resolution was read and was adopted.

Senate Bill 165 with House Amendments

Senator Hudson called S. B. No. 165 from the President's table for consideration of the House amendments to the bill.

The President laid the bill and House amendments before the Senate, and the House amendments were read.

Senator Hudson moved that the Senate concur in the House amendments.

The motion prevailed.

House Concurrent Resolution 80 on Second Reading

On motion of Senator Hudson and by unanimous consent, the regular order of business was suspended to take up for consideration at this time

on its second reading the following resolution:

H. C. R. No. 80, Recommending that the Texas Education Agency make a survey to determine the practicability of the use of paperback textbooks in the public schools of Texas.

The resolution was read and was adopted.

House Bill on First Reading

The following bill received from the House, was read the first time and referred to the committee indicated:

H. B. No. 1136, To the Committee on Counties, Cities and Towns.

House Concurrent Resolution 72 on Second Reading

Senator Hudson asked unanimous consent to suspend the regular order of business and take up H. C. R. No. 72 for consideration at this time.

There was objection.

Senator Hudson then moved to suspend the regular order of business and take up H. C. R. No. 72 for consideration at this time.

The motion prevailed by the following vote:

Yeas—20

Aikin	Moore
Calhoun	Owen
Creighton	Parkhouse
Dies	Patman
Hardeman	Ratliff
Herring	Reagan
Hudson	Roberts
Krueger	Rogers
Lane	Schwartz
Martin	Smith

Nays—8

Baker	Kazen
Colson	Moffett
Crump	Secrest
Fuller	Willis

Absent

Hazlewood	Weinert
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Absent—Excused

Gonzalez

The President laid before the Senate on its second reading the following resolution:

H. C. R. No. 72, Directing the Texas Education Agency to make a study for the purpose of the establishment of standards for a higher level high school diploma and to report its findings and recommendations to the Fifty-eighth Legislature.

The resolution was read and was adopted.

Bills and Resolution Signed

The President signed in the presence of the Senate after the captions had been read the following enrolled bills and resolution:

H. B. No. 288, A bill to be entitled "An Act relating to and fixing minimum and maximum salary of the official shorthand reporter for the 118th Judicial District of Texas."

H. B. No. 1045, A bill to be entitled "An Act making it unlawful, except under the provisions of this Act, for any person to hunt, take, kill or possess any game bird or game animal on that portion of Matagorda Island lying to the North and East of the Northeast line of the Powers and Hewitson Grant No. 2 as recorded in the State General Land Office, Austin, Texas, and is shown on the map entitled 'San Antonio Bay and vicinity' Aransas and Calhoun Counties, August 1, 1948, to take, kill, or trap any fur-bearing animal on said lands; prescribing the legislative policies with respect to the wildlife resources of said lands; conferring upon the Game and Fish Commission power and authority to regulate by provisions, order, rule, or regulation the taking of wildlife resources of said lands; etc.; and declaring an emergency."

H. B. No. 1129, Local Road Law for Orange County; etc.; and declaring an emergency."

H. B. No. 1017, A bill to be entitled "An Act applying to certain incorporated cities and towns located on the coast of the Gulf of Mexico, or any channel, canal, bay, or inlet connected therewith (referred to hereafter as 'city'); authorizing such city to build, construct, purchase, acquire, improve, enlarge, extend, repair, maintain, or replace any and all improvements and facilities which the governing body thereof deems to be necessary or convenient to the proper operation of the ports or harbors of such city, and pro-

viding certain things that said improvements and facilities shall include; authorizing the issuance of tax bonds; etc.; and declaring an emergency."

H. B. No. 415, A bill to be entitled "An Act regulating the taking, transporting, and selling of minnows in Zavala County; providing that minnows may be transported into Zavala County from outside said County; providing penalties; and declaring an emergency."

H. B. No. 509, A bill to be entitled "An Act amending Chapter 297, Acts of the 52nd Legislature, Regular Session, 1957, as amended, relating to fishing in certain counties; and declaring an emergency."

H. B. No. 596, A bill to be entitled "An Act authorizing the County of Goliad to convey title to certain lands to the State Parks Board of the State of Texas, aggregating two acres of land, more or less, and being the area surrounding and adjoining the site of the birthplace of General Ignacio Zaragoza in La Bahia Townsite in the County of Goliad, as a State park and historical site; authorizing the State Parks Board to construct, maintain and repair historical and recreational structures and facilities; repealing all laws and parts of laws in conflict herewith; providing a saving clause; and declaring an emergency."

H. B. No. 810, A bill to be entitled "An Act amending Section 1 of Chapter 160, Acts of the 43rd Legislature, Regular Session, 1933, as amended, to provide that consolidated trust debentures issued by the Federal Intermediate Credit Bank and by the Bank for Cooperatives are lawful investments for fiduciary and trust funds in this State, and eligible security for public deposits where authorized; and declaring an emergency."

H. B. No. 1076, A bill to be entitled "An Act fixing the salaries to be paid certain officials in certain counties; repealing all laws in conflict therewith; and declaring an emergency."

H. B. No. 107, A bill to be entitled "An Act relating to the re-employment of retired teachers; amending Section 1, Chapter 28, Acts of the Fifty-sixth Legislature, Regular Session, 1959, to extend the period allowed for re-employment of retired teachers to eighty (80) days in a

single school year; and declaring an emergency."

H. B. No. 815, A bill to be entitled "An Act amending Sections 1 and 2 of Chapter 460, Acts of the 51st Legislature, Regular Session, 1949 (codified as Article 941b of the Penal Code of Texas, 1925), relating to the taking of minnows and rough fish; and declaring an emergency."

H. B. No. 1037, A bill to be entitled "An Act amending Section 6 of Chapter 177, General Laws of the State of Texas, Acts of the 42nd Legislature, Regular Session, 1931, compiled as Article 46a of Vernon's Revised Civil Statutes of Texas, as last amended by Chapter 249, Acts of the 52nd Legislature, 1951, so as to clarify the adoption procedure in the case of the children of parents whose parental rights have been terminated by the Juvenile Court or other court of competent jurisdiction; and declaring an emergency."

H. B. No. 1081, A bill to be entitled "An Act regulating the hunting, taking, or killing of wild turkey gobblers in Austin County; providing penalties; and declaring an emergency."

H. J. R. No. 36, Proposing an amendment to Subsection (b) of Section 62 of Article XVI of the Constitution of the State of Texas so as to authorize for elected and appointive officers and employees, who serve in such capacity for twelve (12) or more years in any county or other political subdivision, a Retirement, Disability and Death Compensation Program.

House Bill 441 Re-referred

On motion of Senator Hardeman and by unanimous consent H. B. No. 441 was withdrawn from the Committee on Jurisprudence and re-referred to the Committee on Counties, Cities and Towns.

Senate Bill 212 with House Amendments

Senator Crump called S. B. No. 212 from the President's table for consideration of the House amendments to the bill.

The President laid the bill and House amendments before the Senate, and the House amendments were read.

Senator Crump moved that the Senate concur in the House amendments.

The motion prevailed.

House Bill 1105 on Second Reading

Senator Owen moved that Senate Rules 13, 32 and 38 and the Constitutional Rule requiring bills to be read on three several days be suspended and that H. B. No. 1105 be placed on its second reading and passage to third reading and on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—29

Aikin	Martin
Baker	Moffett
Calhoun	Moore
Colson	Owen
Creighton	Parkhouse
Crump	Patman
Dies	Ratliff
Fuller	Reagan
Hardeman	Roberts
Hazlewood	Rogers
Herring	Schwartz
Hudson	Secrest
Kazen	Smith
Krueger	Willis
Lane	

Absent

Weinert

Absent—Excused

Gonzalez

The President then laid before the Senate on its second reading and passage to third reading the following bill:

H. B. No. 1105, A bill to be entitled "An Act defining a geological or geophysical map; defining theft of a geological or geophysical map; prescribing what constitutes the taking of a geological or geophysical map; making it a felony to commit the crime of theft of a geological or geophysical map; making it a felony to receive, possess, reproduce, conceal, barter, sell, dispose of or transport a geological or geophysical map knowing the same to have been so acquired; prescribing a penalty; providing that this Act shall be cumulative of all laws of the State and any violation hereof may be prosecuted irrespective of whether or not the acts complained of may constitute some of the essen-

tial elements of other or different offenses against the penal laws of this State; providing a saving clause; and declaring an emergency."

The bill was read second time.

Senator Herring offered the following amendment to the bill:

Amend H. B. 1105 by striking out Section 3 thereof and renumbering the remaining sections so that all sections will be numbered consecutively.

The amendment was adopted.

Senator Patman offered the following amendment to the bill:

Amend H. B. No. 1105 by inserting a new paragraph following Section 5, to be numbered Section 6, and renumbering the remaining paragraphs accordingly:

Section 6. The provisions of this Act shall not be construed to apply to any geological or geophysical map, as defined herein, which has been filed with the Texas Railroad Commission or as a public record or which, by existing law, becomes a public record.

The amendment was adopted.

On motion of Senator Owen and by unanimous consent the caption was amended to conform to the body of the bill as amended.

The bill as amended was passed to third reading.

House Bill 1105 on Third Reading

The Constitutional Rule requiring bills to be read on three several days having been suspended the President laid H. B. No. 1105 before the Senate on its third reading and final passage.

The bill was read the third time and was passed by the following vote:

Yeas—29

Aikin	Hudson
Baker	Kazen
Calhoun	Krueger
Colson	Lane
Creighton	Martin
Crump	Moffett
Dies	Moore
Fuller	Owen
Hardeman	Parkhouse
Hazlewood	Patman
Herring	Ratliff

Reagan	Secrest
Roberts	Smith
Rogers	Willis
Schwartz	

Absent

Weinert

Absent—Excused

Gonzalez

House Bill 639 on Second Reading

On motion of Senator Baker and by unanimous consent the President laid before the Senate on its second reading and passage to third reading H. B. No. 639 (The bill having been read the second time on yesterday).

Question—Shall H. B. No. 639 be passed to third reading?

H. B. No. 639 was passed to third reading.

House Bill 639 on Third Reading

Senator Baker moved that Senate Rule 32 and the Constitutional Rule requiring bills to be read on three several days be suspended and that H. B. No. 639 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—27

Aikin	Martin
Baker	Moffett
Calhoun	Moore
Colson	Owen
Creighton	Patman
Crump	Ratliff
Dies	Reagan
Fuller	Roberts
Hardeman	Rogers
Hazlewood	Schwartz
Hudson	Secrest
Kazen	Smith
Krueger	Willis
Lane	

Nays—1

Herring

Absent

Parkhouse Weinert

Absent—Excused

Gonzalez

The President then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and passed.

Report of Standing Committee

Senator Aikin by unanimous consent submitted the following report:

Austin, Texas,
May 26, 1961.

Hon. Ben Ramsey, President of the Senate.

Sir: We, your Committee on Counties, Cities and Towns, to whom was referred H. B. No. 1136, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass and be printed.

AIKIN, Chairman.

House Bill 1136 Ordered Not Printed

On motion of Senator Martin and by unanimous consent H. B. No. 1136 was ordered not printed.

Motion in Writing on Suspending Senate Rule 106 on House Bill 441

Senator Hardeman offered the following motion in writing:

I respectfully move to suspend Senate Rule 106 so that the Committee on Counties, Cities and Towns may take H. B. 441 up for immediate consideration.

HARDEMAN

The motion was read and was adopted by the following vote:

Yeas—24

Aikin	Moffett
Calhoun	Moore
Colson	Owen
Creighton	Parkhouse
Crump	Patman
Dies	Ratliff
Hardeman	Reagan
Hazlewood	Roberts
Herring	Rogers
Kazen	Secrest
Krueger	Smith
Martin	Willis

Nays—5

Baker	Lane
Fuller	Schwartz
Hudson	

Absent

Weinert

Absent—Excused

Gonzalez

Welcome Resolutions

S. R. No. 534—By Senator Colson: Extending welcome to students, teachers and sponsors of Riverside Elementary School of Walker County.

S. R. No. 536—By Senator Secrest: Extending welcome and privileges of floor to Mr. Samuel R. Greenwood of Temple.

S. R. No. 537—By Senator Gonzalez: Extending welcome to Mrs. Maria Parr et al.

S. R. No. 539—By Senator Herring: Extending welcome to students and teacher of Lamar Junior High School of Austin.

S. R. No. 540—By Senator Moore: Extending welcome to students of Cooks Point School of Burleson County.

Adjournment

On motion of Senator Hardeman the Senate at 4:46 o'clock p.m. adjourned until 11:00 o'clock a.m. tomorrow.

SEVENTY-FOURTH DAY

(Saturday, May 27, 1961)

The Senate met at 11:00 o'clock a.m., pursuant to adjournment, and was called to order by the President.

The roll was called and the following Senators were present:

Aikin	Martin
Baker	Moffett
Calhoun	Moore
Colson	Owen
Creighton	Parkhouse
Crump	Patman
Dies	Ratliff
Fuller	Reagan
Gonzalez	Roberts
Hardeman	Rogers
Hazlewood	Schwartz
Herring	Secrest
Hudson	Smith
Kazen	Weinert
Krueger	Willis
Lane	

A quorum was announced present.

Reverend W. H. Townsend, Chaplain, offered the invocation as follows:

"Our Father in Heaven, we bring before Thee these Senators, together with these secretaries, officers, and pages, praying Thy best blessings on their labors; their homes; and their businesses. Forgive our failures; and may the love of God, the communion and fellowship of His Holy Spirit keep us now and forever more, through Jesus Christ our Lord. Amen."

On motion of Senator Aikin, and by unanimous consent, the reading of the Journal of the proceedings of yesterday was dispensed with and the Journal approved.

Bills and Resolution Signed

The President signed in the presence of the Senate after the captions had been read the following enrolled bills and resolution:

H. B. No. 249, A bill to be entitled "An Act amending Section 9 of Article 8306, the employers' liability and workmen's compensation insurance laws of this State, by providing that the liability of the association for funeral benefits shall not exceed Five Hundred Dollars (\$500); providing a savings clause; and declaring an emergency."

H. B. No. 502, A bill to be entitled "An Act to amend Article 6889d of Vernon's Annotated Civil Statutes, Acts 1953, Fifty-third Legislature, Page 56, Chapter 45, so as to compensate constables and deputy constables for transportation or furnish adequate transportation within the State; providing for sworn statements covering such transportation; providing that this Act shall be severable; providing for the repeal of Article 6889c of Vernon's Annotated Civil Statutes, Acts 1951, Fifty-second Legislature, Page 424, Chapter 264; providing this Act be cumulative with all other existing laws; and declaring an emergency."

H. B. No. 671, A bill to be entitled "An Act confirming and validating sale of certain submerged and unsubmerged land in the 'Cayo Del Oso' to the City of Corpus Christi; retaining title to minerals in the State of Texas and prescribing terms for their development; providing for settlement of boundary conflicts with claimants of adjacent land; providing for improvement of such land by the City of Corpus Christi or its assigns by